

Exhibit 3

From: [Schweers, Dylan](#)
To: [Phil Fraietta](#)
Cc: [Chunias, Jennifer](#); [E. Powell Miller](#); [Frank Hedin](#); [Gregory A. Mitchell](#); [Herbert, Christopher J.C.](#); [Joseph Marchese](#); [Kyle Gordon](#); [MacCune, Marie](#)
Subject: RE: Bozung v. Christianbook, LLC (No. 22-cv-00304) - Christianbook's Responses and Objections to Plaintiff's Revised First Set of RFPs, Third Production of Documents
Date: Wednesday, October 11, 2023 4:54:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Phil,

As agreed to below, we write with an update regarding Christianbook's objections and responses to the document requests that you identified during our meet and confer last week and memorialized in our emails below. As one point of clarity, we believe that the reference to Request No. 12 below should actually be Request No. 11, as Request No. 12 pertains to insurance information, which we have already provided to Plaintiff.

- **Request Nos. 3, 4, 10, and 11:** Subject to and without waiver of our objections, dated September 29, 2023, Defendant states that no responsive documents exist in connection with these Requests.
- **Request No. 14:** Subject to and without waiver of our objections, dated September 29, 2023, Defendant produced documents responsive to this Request at Bates Nos. CB0000001-CB0000048.
- **Request Nos. 15-17:** Based on our objections, dated September 29, 2023, Defendant will not produce documents in response to these Requests.

Please also note that Defendant continues to reserve the right to supplement and amend its responses and objections.

Thanks,

Dylan

Dylan Schweers



Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
o +1 617 570 1507
f +1 617 801 8942
DSchweers@goodwinlaw.com



From: Phil Fraietta <pfraietta@bursor.com>

Sent: Friday, October 6, 2023 6:05 PM

To: Schweers, Dylan <DSchweers@goodwinlaw.com>

Cc: Chunias, Jennifer <JChunias@goodwinlaw.com>; E. Powell Miller <epm@millerlawpc.com>; Frank Hedin <fhedin@hedinhall.com>; Gregory A. Mitchell <gam@millerlawpc.com>; Herbert, Christopher J.C. <CHerbert@goodwinlaw.com>; Joseph Marchese <jmarchese@bursor.com>; Kyle Gordon <kgordon@bursor.com>; MacCune, Marie <MMacCune@goodwinlaw.com>

Subject: Re: Bozung v. Christianbook, LLC (No. 22-cv-00304) - Christianbook's Responses and Objections to Plaintiff's Revised First Set of RFPs, Third Production of Documents

EXTERNAL

Dylan,

Thank you. We agree with one caveat, for Requests 10 and 12, assuming any individuals fit within the parameters we will also need documents demonstrating how the purported opt-out and/consent process works.

On Fri, Oct 6, 2023 at 5:02 PM Schweers, Dylan <DSchweers@goodwinlaw.com> wrote:

Phil,

Thank you for taking the time to meet and confer this afternoon regarding Christianbook's objections and responses. This email serves to memorialize the parties' respective positions on the issues discussed today.

Requests 3, 4, 14, and 15

- Among its other objections, Christianbook provided its position that Plaintiff's definition of the term "disclosure," and as used in these Requests, does not align with the use of the term "disclosure" in the PPPA. It is Plaintiff's position that their definition of "disclosure" does not implicate a violation of the PPPA in and of itself, as the PPPA has multiple exceptions for certain types of disclosures. We agreed to discuss Plaintiff's position with our client.

Requests 10 and 12

- Among its other objections, Christianbook's position is that it does not need to disclose personal identifiable information for putative class members. Plaintiff would be amendable to Christianbook providing just the total number Michigan customers responsive to these requests, rather than individual customer data. We agreed to discuss Plaintiff's proposal with our client.

Requests 16 and 17

- Among its other objections, Christianbook's position is that it does not need to disclose personal identifiable information for putative class members. Plaintiff would be amenable to Christianbook redacting the names and mailing addresses in customer data responsive to these requests. We agreed to discuss Plaintiff's proposal with our client.

Requests 18

- Among its other objections, Christianbook's position is that the material and information sought in Request 18 is not relevant to Plaintiff's case. Plaintiff will consider whether to move to compel on this issue.

We agreed to provide a final response by EOD Wednesday (10/11) regarding the discovery disputes detailed above, along with a date by which we will serve a supplemental production if one is necessary following discussion with our client. In the meantime, please confirm whether you agree with our summary of the current discovery issues in dispute.

Thanks,

Dylan

Dylan Schweers



Goodwin Procter LLP
[100 Northern Avenue](#)
[Boston, MA 02210](#)
o +1 617 570 1507
f +1 617 801 8942
DSchweers@goodwinlaw.com



From: Phil Fraietta <pfraietta@bursor.com>

Sent: Tuesday, October 3, 2023 6:30 PM

To: Schweers, Dylan <DSchweers@goodwinlaw.com>

Cc: Joseph Marchese <jmarchese@bursor.com>; Chunias, Jennifer <JChunias@goodwinlaw.com>; Herbert, Christopher J.C. <CHerbert@goodwinlaw.com>; Kyle Gordon <kgordon@bursor.com>; Frank Hedin <fhedin@hedinhall.com>; E. Powell Miller <epm@millerlawpc.com>; Gregory A. Mitchell <gam@millerlawpc.com>; MacCune, Marie <MMacCune@goodwinlaw.com>

Subject: Re: Bozung v. Christianbook, LLC (No. 22-cv-00304) - Christianbook's Responses and Objections to Plaintiff's Revised First Set of RFPs, Third Production of Documents

EXTERNAL

That works. I'll send a calendar invite

On Tue, Oct 3, 2023 at 5:04 PM Schweers, Dylan <DSchweers@goodwinlaw.com> wrote:

Thanks, Phil. How about 1 p.m. ET on Friday?

Dylan Schweers

Goodwin Procter LLP
[100 Northern Avenue](#)
[Boston, MA 02210](#)
o +1 617 570 1507
f +1 617 801 8942
DSchweers@goodwinlaw.com

From: Phil Fraietta <pfraietta@bursor.com>

Sent: Tuesday, October 3, 2023 1:29 PM

To: Schweers, Dylan <DSchweers@goodwinlaw.com>

Cc: Joseph Marchese <jmarchese@bursor.com>; Chunias, Jennifer <JChunias@goodwinlaw.com>; Herbert, Christopher J.C. <CHerbert@goodwinlaw.com>; Kyle Gordon <kgordon@bursor.com>; Frank Hedin <fhedin@hedinhall.com>; E. Powell Miller <epm@millerlawpc.com>; Gregory A. Mitchell <gam@millerlawpc.com>; MacCune, Marie <MMacCune@goodwinlaw.com>

Subject: Re: Bozung v. Christianbook, LLC (No. 22-cv-00304) - Christianbook's Responses and Objections to Plaintiff's Revised First Set of RFPs, Third Production of Documents

EXTERNAL

Counsel,

Thursday afternoon does not work for us. How does Friday look for you?

On Tue, Oct 3, 2023 at 11:43 AM Schweers, Dylan <DSchweers@goodwinlaw.com> wrote:

Hi Phil,

Sorry for the delay here. We aren't available this afternoon or tomorrow, but we are generally available on Thursday (10/5) afternoon to meet and confer. Would that work for you?

Thanks,

Dylan

Dylan Schweers

Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
o +1 617 570 1507
f +1 617 801 8942
DSchweers@goodwinlaw.com

From: Phil Fraietta <pfraietta@bursor.com>

Sent: Monday, October 2, 2023 11:09 AM

To: MacCune, Marie <MMacCune@goodwinlaw.com>

Cc: Joseph Marchese <jmarchese@bursor.com>; Chunias, Jennifer <JChunias@goodwinlaw.com>; Schweers, Dylan <DSchweers@goodwinlaw.com>; Herbert, Christopher J.C. <CHerbert@goodwinlaw.com>; Kyle Gordon <kgordon@bursor.com>; Frank Hedin <fhedin@hedinhall.com>; E. Powell Miller <epm@millerlawpc.com>; Gregory A. Mitchell <gam@millerlawpc.com>

Subject: Re: Bozung v. Christianbook, LLC (No. 22-cv-00304) - Christianbook's Responses and Objections to Plaintiff's Revised First Set of RFPs, Third Production of Documents

EXTERNAL

Counsel,

Please advise as to your availability to meet-and-confer regarding these responses and this production. We are generally available tomorrow (10/3) afternoon.

On Fri, Sep 29, 2023 at 7:02 PM MacCune, Marie <MMacCune@goodwinlaw.com> wrote:

Counsel,

Attached for service are (i) Christianbook's Responses and Objections to Plaintiff's Revised First Set of Requests for Production and (ii) a production cover letter. I will be sending an encrypted production file containing Christianbook's third production of documents via secure email shortly. The password to the production volume is 4|55aE2Dg-nj.

Please let me know if you have any issues accessing the materials described above.

Sincerely,
Marie

Marie A. MacCune
she/her/hers

Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
o +1 617 570 1131
f +1 617 523 1231
MMacCune@goodwinlaw.com

This message was sent from Goodwin Procter LLP and is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.

--

Philip L. Fraietta
Bursor & Fisher, P.A.
1330 Avenue of the Americas, 32nd Floor
New York, NY 10019
646-837-7142 (tel)
914-498-0285 (mobile)
212-989-9163 (fax)
pfraietta@bursor.com
www.bursor.com

PRIVILEGED COMMUNICATION

This email may contain confidential material or other matter protected by the attorney-client privilege. Unless you are the addressee (or are authorized to receive this email for the addressee), you may not copy, use or distribute it. If you receive this email in error, please contact the sender immediately and permanently delete the email from any and all storage devices under your control.

--

Philip L. Fraietta
Bursor & Fisher, P.A.
1330 Avenue of the Americas, 32nd Floor
New York, NY 10019

646-837-7142 (tel)
914-498-0285 (mobile)
212-989-9163 (fax)
pfraietta@bursor.com
www.bursor.com

PRIVILEGED COMMUNICATION

This email may contain confidential material or other matter protected by the attorney-client privilege. Unless you are the addressee (or are authorized to receive this email for the addressee), you may not copy, use or distribute it. If you receive this email in error, please contact the sender immediately and permanently delete the email from any and all storage devices under your control.

--

Philip L. Fraietta
Bursor & Fisher, P.A.
1330 Avenue of the Americas, 32nd Floor
New York, NY 10019
646-837-7142 (tel)
914-498-0285 (mobile)
212-989-9163 (fax)
pfraietta@bursor.com
www.bursor.com

PRIVILEGED COMMUNICATION

This email may contain confidential material or other matter protected by the attorney-client privilege. Unless you are the addressee (or are authorized to receive this email for the addressee), you may not copy, use or distribute it. If you receive this email in error, please contact the sender immediately and permanently delete the email from any and all storage devices under your control.